

# The role of German trade unions in the national and European standardization process

## What prevents unions from participating effectively in standardization ?

Employees have an interest in a safe and healthy working environment ; they expect machinery and tools, working materials and the working environment, work procedures and the work activity itself not only not to be dangerous to them, but to actually promote their interests in the positive (or preventive) sense, i.e., to be humane. Their interest is addressed in many ways by standardization, as standards first and foremost specify the characteristics of products. The content or failings of individual standardization projects or areas of standardization activity are therefore of great consequence for the interests of employees.

The fact that the standardization procedures do not facilitate the articulation of employee interests is therefore a focus of constant criticism by the unions.

### Employee involvement in standardization

Demands have been made since the 1975 DGB<sup>1</sup> federal congress for private standards development to be made democratic<sup>2</sup>. This demand is as much a live issue as ever, because some major progress notwithstanding, it has still not been met.

It is a basic requirement that employees' views be taken into account by standards developers and that they have an opportunity to voice those views. As a result, instruments have been set up at the European level (TUTB) and the national level in Germany (KAN) by which for the unions to voice employees' interests and feed them into the standardization process.

The DGB, however, demanded the right to have a "reasonable" influence on standardization which reflected the importance to and impact upon society. This is not delivered by the existing procedures and established interest structures.

### The dominance of manufacturers' interests in product-related standardization

Standards are drafted by private standards organizations which are influenced to a large extent by manufacturing sector interests. Adequate occupational health and safety, and consideration for the interests of employees, are not assured from the outset in European standards. DIN has, however, created a veto for minorities.

### Short deadlines for comments

There is, of course, a procedure for objecting to draft standards. But it is highly unsatisfactory for weaker parties in the economy. Aside from the fact that the standards developers, i.e., the committee which drafted the standard, have the final say on such objections, the deadlines set are a major obstacle. According to the ISO, a standard may take on average over seven years to draft, but the deadline set when the draft is finally published is very short. Outsiders unfamiliar with the background to the standard and not party to its development are then expected to present substantiated objections within five months or less. Five months might seem an adequate length of time, but the clock begins ticking when the draft leaves the committee. By the time the document reaches the union, an expert employee representative has been found, and the document has been translated, for instance, valuable time has been lost.

### Time and cost requirement of standardization work

Interests can be represented directly when employee or OSH representatives are present on the committees themselves, i.e., are involved in the standardization activity from the outset.

The standards bodies also emphasize that standardization work is, of course, open to all "interested parties". But, this is an opportunity which not all can afford to take up. Theoretically, any individual or organization can take part in the framing of standards. Practical experience shows, however, that most of the experts, who work on a voluntary basis, are seconded by industry, for whose development standardization clearly represents an indispensable investment<sup>3</sup>, as stated in a paper published by the European Commission.

Financial support is needed if the opportunities for participation are to be taken up. In purely quantitative terms, participation in hundreds of standards committees of relevance to employees would be an enormous undertaking. But employee representative bodies lack the financial resources to join the other "interested parties" as the costs - estimated at € 15,000 to 20,000 per year for each individual participant in standardization - must be borne by the participants themselves, or their sending institutions. Involvement in even a small selection of the more than 4,000 German and 2,000 European standards committees and working groups would be beyond the financial means of the unions themselves and their OSH experts.

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This paper is based on a more extended report written by Ulrich Bamberg. The full report is available, in English, on the TUTB website at : <http://tutb.etuc.org/uk/dossiers/files/TU-report-germany.pdf>.

<sup>1</sup> DGB : Deutscher Gewerkschaftsbund (German Trade Union Federation).

<sup>2</sup> At its 10<sup>th</sup> National Congress in 1975, the DGB adopted a comprehensive motion by IG Metall, the metalworkers' union, concerning „occupational and in-plant health protection“. The motion focussed upon humane working arrangements and demanded that the national legislature adopt measures to democratize the drafting of regulatory provisions by private standards bodies.

<sup>3</sup> Florence Nicolas, with the cooperation of Jacques Repussard, *Common standards for enterprises*, Luxembourg, European Commission, 1995, p. 26.

## Priority of international and European standards over national standards

To avoid duplication, an agreement was reached between ISO and CEN in the Vienna Agreement, and between IEC and CENELEC in the Dresden Agreement, to co-operate in the drafting of standards with the aim of confining standardization work to a single context and deriving identical international and European standards from the results (parallel voting procedure).

These agreements, though understandable, give rise to considerable problems :

- international standardization entails high travel and conferencing costs ;
- it is not easy to put over trade union interests in such a context, especially where interests outside Europe are involved ;
- if ISO standards are not simply adopted, but are to be adapted as European Standards in order for them to comply with the European legislative framework, the process is made more difficult by the fact that the agreements involved are frequently reached under time pressure.

## Costs and content of standards

One stock union demand is that standards should be more accessible to employees. The price of standards in particular is an obstacle to wide dissemination. If the standards bodies are interested not only in sales, but also in broad application of the standards, more transparent channels of distribution must be found, for example involving electronic technology. This applies not only to completed standards. Draft standards are equally expensive. This raises the question for unions as to whether they can keep pace. The cost of draft standards represents an obstacle to the involvement of parties who may not have had a hand in framing a standard but wish to comment upon the draft.

Factors which by definition are inherent to the value of a standard are transparency and public access to the documents on reasonable terms. Furthermore, it is often said that the only useful standard is one which is used. Conditions must be improved considerably in this respect.

Finally, there is the vexed issue of finding that a purchased standard fails to meet expectations. As standards cannot be inspected in a bookshop, but only at some 60 sites (in Germany), they have to be selected on the basis of title, abstract, or key words in the PERINORM database. Only after purchase may the user discover that the content is of no use.

Blanket involvement of employee representatives in standardization activity is unaffordable. If the structural discrimination against the weaker side of industry is to be eliminated, however, procedures must be created and resources made available which open up this form of representation to the unions.

## Examples of successful influence on the development and content of standards

### Protection of minorities in DIN

One objective of the standardization process is to achieve consensus results. The idea is to frame standards which have the support of all interest groups. The content of a standard is to be drawn up by mutual agreement with the aim of achieving a common position. This principle has been further safeguarded within DIN by the provision that an interest group which has voted unanimously cannot be voted down. Should, for example, the DGB or the OSH group unanimously take a view different to that of the majority of the standards committee, DIN must abstain during further consideration of the subject at European level.

The decision in question, taken by the DIN management committee in October 1996 (cf. DIN Announcements 1/1997, p. 5), is as follows : "Should, in exceptional cases, a decision need to be put to a vote in a technical committee, no decision may be taken contrary to the unanimous vote of a group with a substantial interest in standardization."

### Financial support to participation by union representatives in standardization activities

A further agreement between DIN and DGB has eliminated an obstacle which cost-sharing in standardization would otherwise represent for employees. DIN normally assumes that parties involved in standardization activity are representing their own interests, entailing both benefit and cost for the seconding party. All interested parties are therefore involved in financing standardization activity through membership subscriptions, subsidies, or contributions to costs. Any party wishing to participate in a standards committee must therefore pay what is essentially an annual front end charge of 750 euro to DIN, merely to be present – to cover session, publication materials, and similar costs incurred by the secretariat. DGB, however, is one of the organizations whose experts are exempted from this upfront cost contribution.

Travel costs are not affected. They must be paid by the individual (or seconding institution) and are one reason why more employees are not seconded for work on standardization activity.

### Individual standards/topics

Since 1995, OSH bodies in Germany, including the unions, have been able to argue their case in standardization through KAN. KAN sends comments on fundamental standards policy to the relevant political bodies (federal government, European Commission, advisory committees, SOGS, etc.). Some 3,000 comments on proposed specific standards have been made directly to DIN and its standards committees since 1995.

Selected examples of particular interest to the unions are described below.

## Participation in standardization : a few figures

The paradox of "huge minorities" can be observed in standardization. Conceivably the two largest affected groups (370 million consumers, including 165 million employees, within the EU) are minorities within the standards committees, if indeed they are represented at all.

DIN, the Deutsches Institut für Normung, has 84 standards committees with 4,100 working groups, producing (or supporting) some 2,000 new standards and 9,000 draft standards each year, adding up to a body of 27,000 DIN standards in all.

These hundreds of standards committees involve over 26,000 experts representing the interested parties. Traditionally, these experts have primarily been manufacturers' representatives. The number of union representatives involved in recent years has been 20 to 30 – a mere 0.1 percent of the total.

There have however been co-operations, in numerous cases, with OSH experts from the accident insurance institutions (*Berufsgenossenschaften* - BGs), who play an important part in standardization. Some 180 OSH experts from the BGs and their expert committees are currently active in European standardization on around 380 committees.

### ■ OSH management systems

The German unions regard OSH management systems as a useful way to get occupational health and safety integrated into company organization at all levels, compliance and performance formalized in day-to-day company operations, and work-related health hazards reduced as a result.

The unions share the view of employers and other parties in KAN that it must be possible for OSH management systems to be introduced without costly certification. For this reason, the German OSH institutions have opposed all standardization plans in this area, because the chief beneficiaries of standards, as ISO 9000 has shown, are the certification bodies. Companies face the additional expense of auditing and certification, with no corresponding assurance of improvements in the health and safety of workers at work.

Following a DGB initiative, KAN developed a German position for negotiations in the International Organization for Standardization (ISO), which was used to defeat initiatives for the standardization of OSH management systems in 1996 and 1999. Instead, political concepts for OSH management systems were developed with the active involvement of the unions. Following two national policy documents (published in the *Federal Gazette* 9/97 and 2/99), international guidelines for OSH management systems were made available in mid-2001 which were drawn up in the proven tripartite structure (governments, employers, unions) of the International Labour Organization (ILO). The guidelines are to leave the competent national authorities sufficient scope to structure occupational health and safety according to national needs, and to make standardization in this area superfluous.

### ■ Psychological strain

The adoption of international standard ISO 10075-2 *Ergonomic principles related to mental workload – Part 2: Design principles* as a European Standard (EN) was greeted by criticism and doubts from employers' representatives about the need for such a standard.

Mental stress may arise at work, for example, as a result of time pressure, poor working climate, unfair division of labour, and either overwork or insufficient challenge. While Part 1 of the series of standards, which describes these relationships and contains definitions, was accepted, concerns were voiced that the provisions of Part 2 Design principles for the avoidance of fatigue, monotony and reduced attention at work would incur unreasonable costs on companies for hazard assessments, up to and including the employment of additional specialist personnel.

Unlike the employers, the unions voted for adoption of the draft as a European and German standard on the grounds that – issues with certain details aside – it was an important component of the series of standards, and it was clear that it would otherwise be difficult to reach agreement on the content with employers in Germany.

As the unions and employers' representatives remained firmly at odds in the German standards committee, and appealed to both the protection of minorities and unanimous interested party vote provisions, DIN abstained during the European voting. Most CEN members voted in favour of the draft standard, however, with the result that the ISO standard took effect as an EN in March 2000 and was adopted unchanged as a DIN EN in June 2000.

### Greater efficiency through transparency

When examining ways of improving the efficiency of European standardization, the European Commission<sup>4</sup> established a close link between efficient standardization and transparent standardization procedures. According to the obligations for standardization laid down by the New Approach, including involvement of all interested parties in the standardization process, improved efficiency expressly includes, in the European Commission's view :

- transparency in standardization procedures ; and
- a wider opening up of CEN and CENELEC to European interest groups.

In the European Parliament's view, the time taken to process a standard is just one of number of factors by which the efficiency of standardization can be assessed. In its resolution on the European Commission's report, Parliament also considers the quality of standardization activity, which is based upon adequate consideration being given to all affected parties (in particular employers and employees, consumers, environmental groups, SMEs) and the public, as a substantial factor.

KAN has given input to this discussion with a number of position statements, directed in particular at the Council Group responsible for economic issues/standardization, with the objective of speeding up standardization under New Approach directives at no detriment to the quality of standards. In support of this position, it has formulated quality criteria (including involvement of all affected parties in the standardization process, and ease of use for small and medium-sized enterprises) and has supported the European Commission's call for interested parties to be given fuller information about standardization projects. The positions formulated by KAN contributed to a number of substantial OSH positions being considered in the Council Decision.

## Strategies, methods and co-operation with other institutions

### KAN – a success story

The Commission for Occupational Health and Safety and Standardization (KAN) provides the unions with an institutionalized means for exerting an influence on standardization. They are represented in the Commission with five of the 17 seats, and have a secretariat of their own within that of the Commission.

<sup>4</sup> "Efficiency and accountability of standardization under the new approach", Report to the Council and the European Parliament (cf. [europa.eu.int/comm/dg03/public.htm](http://europa.eu.int/comm/dg03/public.htm)).

KAN was set up in 1994. Its function is to concentrate the formulation of national positions on OSH issues and bring them to bear in standardization. KAN is the first national body in which all major OSH bodies are represented in a forum for views on standardization. A tripartite core structure (five representatives each of employees, employers and the state) was selected for the **organization**; one representative each from the BGs (HVBG) and standardization (DIN) were also added to the membership. Beside the state, the BGs represent the second pillar of occupational health and safety in Germany, and have already been concerned with European standardization for some time. DIN acts as the voice of German interests, including OSH interests, in the arena of European standardization.

KAN's activities are supported by a **secretariat**, which also carries out its decisions. One particular feature of the Secretariat is that it hosts an **office** for employers' representatives and a corresponding office for employees' representatives. These offices particularly reflect the demand for the two sides of industry to be given greater influence in standardization. Co-operation with their respective members within KAN is one of the chief functions of these two offices. They also maintain contacts with various institutions and associations, in particular experts representing employers and unions. Unions and works councils make substantial use of the "employees' office" as a source of information and advice, for example. In the view of the employers' and employees' bodies represented in KAN, permanent offices within the KAN Secretariat have proved their worth, enabling them to introduce sociopolitical OSH interests into standardization activity in an effective and timely manner.

KAN and its secretariat are **financed** by the German Ministry for Labour and Social Affairs (BMA) and the BGs for the industrial sector, who bear 49% and 51% of the cost respectively.

KAN systematically presents the German consensus on OSH to the private standardization community. This function encompasses all stages of the standardization process, from the EU's mandates and programmes, through the influencing of current or planned standardization projects, to review of the existing bodies of standards, at national, European and increasingly also international level (DIN, CEN and ISO respectively). KAN monitors standardization activity, points out deficiencies from the occupational health and safety angle, and proposes ways of rectifying them. It also establishes the need for future standardization in the field of occupational health and safety. This includes the review of European Commission mandates and draft mandates.

KAN acts as a national advisory committee for Germany. Equivalent bodies that might influence standardization, which is increasingly done at European level, do not yet exist in most other Member States, however<sup>5</sup>.

## Consolidation of national co-operation

Trade union opinion-forming on standardization issues takes place within the DGB committee of full-time union secretaries responsible for occupational health and safety. The employee representatives in KAN are also represented on this committee. The employee representatives themselves meet separately for "party meetings" of their own in order to deal with topical standardization issues.

There is no systematic and organized feedback from users to manufacturers and standards bodies. This failing can be addressed, albeit with limitations, with the aid of KAN. The monitoring of standardization activity has now been placed on a systematic footing. Furthermore, from an occupational health and safety perspective, KAN's position statements reflect at least the experience of experts who deal routinely and in a professional capacity with OSH issues. In this respect, the position statements also reflect practical experience, albeit more from the perspective of the OSH inspectorate than from the immediate perspective of employees.

## Co-operation within Europe

Together with KAN's employee office, several representatives of German unions are involved, under DGB co-ordination, in the network for European standardization maintained by the Trade Union Technical Bureau for Health and Safety in Brussels.

A number of individual German unions (those responsible for the metal, chemicals, construction and wood industries, etc.) are involved through their European umbrella organizations in opinion-forming at European level in the technical areas which specifically concern them.

Furthermore, German unions also have opportunities through KAN to forge co-operative links with bodies in other European countries. KAN seeks and maintains such European contacts, which are important particularly in the preliminary phase of European agreement on specific standardization projects. Based upon an exchange of experience between the European institutions registered with the Advisory Committee on Safety and Health Protection at Work, bilateral relations were first established, for example with EUROGIP and INRS in France, HSE in Great Britain and FIOH in Finland.

KAN also supported the launch of a European occupational health and safety network<sup>6</sup>, the objective of which is to co-ordinate positions at European level and to represent common positions in the arena of standardization. OSH experts from nine Member States of the European Union (Denmark, Germany, Finland, France, Greece, the United Kingdom, Italy, Norway and Sweden) and participants from five accession countries (Lithuania, the Slovak Republic, Slovenia, the Czech Republic and Hungary) have since announced their active involvement in the network. ■

<sup>5</sup> KAN is unique within the EU. Thirteen years after adoption of the Machinery Directive, the task of providing employers' and employees' representatives with greater participation in standardization has been fulfilled either by completely different means, or not at all by other Member States.

<sup>6</sup> EUROSHNET (EUropean Occupational Safety and Health NETWORK): [www.euroshnet.org](http://www.euroshnet.org).